

ORDINANCE NO. 10-17

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
PURSUANT TO SECTION 1.08 OF THE CITY CHARTER,
CALLING FOR A REFERENDUM AUTHORIZING THE CITY
OF KEY WEST TO ACQUIRE THE GLYNN ARCHER SCHOOL
SITE AT 1302 WHITE STREET FROM THE MONROE
COUNTY SCHOOL BOARD FOR USE AS A CITY HALL;
AUTHORIZING THE CITY CLERK TO TAKE ALL
NECESSARY ACTION TO PLACE THIS MEASURE ON THE
BALLOT FOR NOVEMBER 2, 2010; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the City Commission has an obligation to explore all reasonable alternatives for the reconstruction of City Hall;

WHEREAS, following the City Commission's selection of Angela Street for the reconstruction of City Hall pursuant to Resolution 09-058, the Monroe County School Board determined to close Glynn Archer School and has indicated to the City it would be available for a City Hall; and

WHEREAS, the City has undertaken an evaluation of the feasibility of utilizing the Glynn Archer site for a City Hall pursuant to City Commission Resolution 10-071; and

WHEREAS, studies regarding the feasibility are ongoing; and

WHEREAS, Charter Section 1.08 provides that "Annexation or acquisition by any means, of any and all real property may only be by a vote of the electors of the City"; and

WHEREAS, the deadline to have items to the Supervisor of Elections is mid-August in order to allow City voters the opportunity to express their opinion in the November election on using the Glynn Archer Site as City Hall; and

WHEREAS, the City anticipates having additional information regarding costs and related issues available prior to the November 2, 2010 election to allow voters to make an educated decision; and

WHEREAS, should the voters approve the referendum, the City Commission will hold a public hearing to gain additional citizen input prior to any final vote to acquire the Glynn Archer Site; and

WHEREAS, Florida Statutes Section 101.161 provides procedures for a referendum and Florida Statutes Section 100.342 provides for notice for a referendum election; and

WHEREAS, the City desires, in accordance with the terms of its Charter, to acquire the real property upon terms acceptable to the City Commission upon a public hearing in accordance with Key West City Code of Ordinances section 2-901; and

WHEREAS, the City Commission desires that the proposed referendum appear on the regularly scheduled election ballot of November 2, 2010;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST
FLORIDA:

Section 1: That a referendum for the acquisition of real property commonly known as Glynn Archer School located at 1302 White Street shall be held on November 2, 2010.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization to acquire historic Glynn Archer School Site for use as a City Hall."

Section 3: That the ballot question shall be worded as follows:

"Is the City of Key West authorized to acquire the historic Glynn Archer school site at 1302 White Street from the Monroe County School Board for use as a City Hall upon terms and conditions acceptable to the City Commission after a full hearing with public input?"

_____ Yes

_____ No

Section 4: That the City Clerk is hereby authorized and directed to take all necessary and proper action to place this question on the ballot of November 2, 2010, including the providing of notice of the election in accordance with law.

Section 5: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable there from and shall be construed as reasonable as necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of the City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

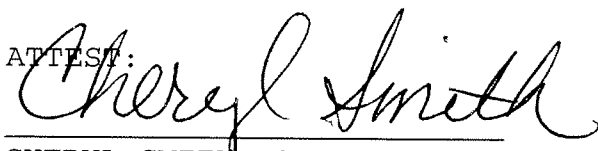
Read and passed on first reading at a meeting held this 3 day of August, 2010.

Read and passed on final reading at a meeting held this 17 day of August, 2010.

Authenticated by the presiding officer and Clerk of the Commission on this 17 day of August, 2010.

Filed with the Clerk August 18, 2010.

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CATES, MAYOR